

Description	County Planning Board January 27, 2009		
Date	01/27/2009	Location	County Planning Board
Time	Speaker	Note	
5:59:36 PM	President Kerry White	Call to Order. Members present: Kerry White, Marianne Jackson Amsden, C.B. Dormire, Don Seifert, Mike McKenna, Gail Richardson, Susan Kozub, Byron Anderson, and Pat Davis. Members absent: Deb Robinson and Matt Flikkema. Staff present: Planning Director Greg Sullivan, Planners Randy Johnson, Chris Scott, Tom Rogers and Recording Secretary Glenda Howze.	
5:59:37 PM	President Kerry White	There was no Public Comment on any matters that were not on the agenda.	
5:59:54 PM	President Kerry White	Approval of January 13, 2009 Minutes.	
6:00:18 PM		Seeing no changes or edits to the minutes, they stand approved as written.	
6:00:23 PM	President Kerry White	Planning Department Update.	
6:00:28 PM	Planning Director Greg Sullivan	The County Commission approved the Gallatin Gateway Plan with some minor amendments and with significant amendments to the boundaries. The final adoption will take place the second week of February. There are two more GPIIP meetings scheduled: February 10th and 24th, 3:30-5:30 in the Community Room. Also distributed a handout - Planning Commissioner's Journal order form.	
6:02:15 PM	President Kerry White	Inquired about the status of the Growth Policy Update.	
6:02:30 PM	Planning Director Greg Sullivan	Noted that he has been talking to the County Commission about the five-year update. They will bring to the Board, maybe at the first February meeting, how they want to proceed with the update.	
6:04:39 PM	President Kerry White	Recognized new member, Susan Kozub, who is filling out remainder of Leroy Logterman's term.	
6:05:16 PM	President Kerry White	Consent. a. <u>Recommendation on the Pielat Amended Plat Subdivision</u> . b. <u>Recommendation on Preliminary Plat Approval for the Huntsinger Subsequent Minor Subdivision</u> .	
6:06:04 PM	Public	Susan Ogle, 1010 Bear Canyon Road, inquired as to why Mr.	

	Comment	Huntsinger is dividing this land.
6:06:35 PM	Planner Chris Scott	The ultimate goal is that they want to split the development on the property for possible further sale of one of the new lots. There are two residents on the property currently and they want to split those.
6:07:08 PM	President Kerry White	Noted that item "b" should be moved from the consent agenda and placed on the regular agenda for further discussion (will be Regular Agenda item 'a').
6:07:45 PM	Don Seifert	I move that we approve the consent agenda item as revised.
6:07:58 PM	Gail Richardson	Second.
6:08:04 PM		Vote: 8-0-1; C.B. Dormire abstained *see time stamp 6:14:26.
6:08:12 PM	President Kerry White	Regular Agenda. a. <u>Recommendation on the Pielaet Amended Plat Subdivision</u> .
6:08:22 PM	Planner Chris Scott	Entered into the record the staff report and provided a brief presentation.
6:09:04 PM	Shannon Marinko, Applicant's Representative	Noted that the applicant has a 35 acre parcel and wants to split off five acres for his brother. He chose to do this as a subdivision rather than a family transfer so that it could be sold if the brother needed to do so.
6:09:50 PM	Planner Chris Scott	Noted that state law prohibits family transfers to siblings.
6:10:14 PM		There was no further public comment on this application.
6:10:27 PM		Board discussion.
6:10:31 PM	Gail Richardson	I look upon this as subdivision infill. There are already 2 homes on the 40 acres. There are virtually no impacts and no new construction at this time. I will make a motion, we need to make recommendations on the determinations as to whether or not the irregular shaped lots are necessary due to topography or other physical constraints, that seems pretty obvious to me in looking at it; whether or not to waive the standard requiring water conveyance facilities not be located within the developable lot, the water conveyance facility was known as Green Ditch and the subdivider provided a letter from the ditch owner that authorized the ditch to bisect proposed lot one and agree to a 20-foot non-interference setback so that seems to me that we could agree to waive that; a determination as to whether or not the application complies with the goals and policies of the Gallatin County Growth Policy and Gallatin County/Bozeman Area Plan, I would propose that it does; also meets the requirements of the Montana

		Subdivision and Platting Act; and complies with the provisions of the Gallatin County Subdivision Regulations. So, I would move that we approve this with the staff attached conditions and pass it to the County Commission.
6:13:40 PM	Pat Davis	Second.
6:13:47 PM	Planner Chris Scott	Suggested that the Board may want to consider staff findings and adopt them as part of the Board's own in the written staff report as well.
6:14:02 PM	President Kerry White	I think that she said that at the beginning of the motion.
6:14:09 PM		Board discussion.
6:14:26 PM	C.B. Dormire	Commented on the new water conveyance facility amendments to the Subdivision Regulations and how the compliance with these amendments might be detailed in future staff reports. Also commented on the conditions and covenants that are set forth in Schedule K and requested explanation in the future why some were applicable and others were not for each of the parcels in question.
6:19:39 PM		Vote: 8-0-1; C.B. Dormire abstained given the items listed above were not included in the staff report.
6:19:57 PM		Both original consent agenda items will go before the County Commission on February 10th.
6:20:21 PM		Regular Agenda Continued.
6:20:25 PM	President Kerry White	b. <u>Presentation by the Greater Gallatin Watershed Council Storm Water Workgroup on Low Impact Development Guidelines for Storm Water Management.</u>
6:20:32 PM	Planner Randy Johnson	Introduced Deborah Earl, Montana Watercourse, and her group and gave brief explanation of their purpose and project.
6:22:52 PM	Deborah Earl, Montana Watercourse	Presentation. "How to improve property values while protecting water resources."
6:45:21 PM	Bart Manion	Spoke briefly on the benefits of the low impact development design and how to incorporate these designs into the development process.
6:48:00 PM		Board discussion with presenters and staff. Discussion included what the Board sees regarding stormwater retention in applications versus an actual design feature; hinderances to stormwater resolutions such as the retention area in front of Ressler's on Huffine and snow storage; and discussion on parking lots and snow storage matters in business areas.

6:55:09 PM	President Kerry White	c. <u>Public Hearing and Decision on a Recommendation to the County Commission Regarding Revising the Gallatin County Growth Policy to Include the 2007 Update to the Greater Bozeman Area Transportation Plan.</u>
6:55:38 PM	President Kerry White	Opening remarks regarding the plan and brief history of project.
6:56:28 PM	Planner Chris Scott	Opening presentation and explanation of process and noted adoption of the plan by the City of Bozeman and Belgrade Planning Board.
6:57:53 PM	Planning Director Greg Sullivan	Noted the Transportation Plan in context with other activities of the Planning Board and stated that this is before the Board for a recommendation to the County Commission as an amendment to the Growth Policy. Noted the specific areas of the Growth Policy that are affected by and/or related to this plan. Specifically pointed out the cooperation and partnership of the City of Bozeman, Gallatin County and Montana Department of Transportation to create this plan.
7:01:44 PM	Planner Chris Scott	Presentation. Also noted that this item is before the County Commission on February 10th as a resolution of intention and following a 30-day period, it will assumably be adopted with a final resolution by mid-March.
7:16:15 PM	Planner Kerry White	Speaking as a member of the Transportation Coordinating Council (TCC), gave additional comment on the process and involvement of the various cooperating agencies.
7:24:15 PM		Board discussion and questions with staff including the County's position on eminent domain; construction of new roads; the occassional conflict between the goals and objectives and the policies of the governing body; the issue of county and city interface and the varying goals and objectives of the two; the partnership of the three entities adopting the Transportation Plan and the ability of each to adopt their own version of the Plan; and the Montana Department of Transportation adoption process.
7:36:29 PM	Planning Director Greg Sullivan	Noted that the City Commission, the City Planning Board, and the TCC have given this document a hard look and the County Planning Board should give great consideration to the amendments that the City adopted and consider whether they are appropriate under the theme of trying to keep as much coherancy in what both adopt. If you do make deviations then you need to determine whether that is absolutely necessary in order to substantially comply with the Growth Policy. Unless they are absolutely necessary, then be cautious with those deviations so that you can keep as much coherence in the plan as possible.

7:37:48 PM	President Kerry White	Suggested that a sentence be added that would lay out that nothing in this transportation plan should be construed as, to take precedence over, the right to farm and ranch or agriculture in the county. The Growth Policy is a policy, not a regulation. The Transportation Plan is a goal, vision, policy document, it is not a regulation document. We will be looking at transportation regulation amendments to the Subdivision Regulations, that is the regulatory portion of the Growth Policy. When you do the regulation, it has to substantially comply with the Growth Policy. Without it in the Policy, it gets lost in the Regulation.
7:39:43 PM		Continued board discussion regarding eminent domain. Mr. Sullivan confirmed that it is his assumption of the policy of the Commission not to exercise the right of eminent domain in this type of situation. Road and Bridge Superintendent Lee Provance has also stated at TCC meetings that the County Commission will not condemn land to build roads.
7:41:39 PM	Marianne Jackson Amsden	Attended the City Commission as a member of GallEp, not as a Planning Board Member. Noted that she stated that she disagreed with the TCC vote to decline the amendments recommended by the Planning Board. She then asked that the City Commission incorporate the consultant's response to all the public comment in their public comment matrix. The consultant's response was: "The Greater Bozeman Area Transportation Plan acknowledges that equestrians are users of the transportation system and does not make any recommendations to restrict equestrian access on trails, paths, or roadways." They ended up incorporating the first four bullets and didn't want to deal with the Complete Streets or the map. Noted that she would like the County plan to reflect all of the Planning Board's recommended changes. Mr. White's letter was amended per these actions [by the City Commission] and the photos that were referenced in the City Commission's adoption, and included the map that was requested for inclusion as well. Requested that the Planning Board approve the sending of the amended letter and attachments to the County Commission.
7:47:58 PM	Susan Kozub	Noted that it is important to incorporate the City Commission and TCC Directed Changes into the plan and suggested that all other amendments be limited as much as possible.
7:49:17 PM	President Kerry White	Commented on the inclusion of the map and noted that this would be a substantial addition/change to the plan. Noted that he'd like to entertain a motion in a positive note to adopt the plan and then propose separate amendments to the main motion if necessary.
7:53:05 PM	Don Seifert	I move that the Gallatin County Planning Board pass a resolution, recommending to the County Commission, the adoption of the

		Greater Bozeman Area Transportation Plan, the Resolution #2009-002, that the Greater Bozeman Area Transportation Plan 2007 Update be added as a revision to the Gallatin County Growth Policy.
7:53:53 PM	C.B. Dormire	Second.
7:53:58 PM	Don Seifert	I think that if we can get so many entities together to agree on something it is phenomenal. It is also a guiding document for everyone and is important to have for further development in the valley.
7:54:33 PM	Marianne Jackson Amsden	Stated that she would like to incorporate the findings in the staff report. Noted that Chris did an excellent job calling out the various Growth Policy sections and whether or not they had been met.
7:55:07 PM	C.B. Dormire	Moved for an amendment to the main motion that we add in an appropriate place the following: "Nothing in the Transportation Plan, 2007 Update, should be read as an encouragement of the use by the County of its power of eminent domain.
7:56:02 PM	Susan Kozub	Asked that the motion be clarified as eminent domain as it relates to agriculture.
7:56:15 PM	C.B. Dormire	Stated that the motion as stated would not prohibit the use of eminent domain in any case, but notes that the Plan is not an encouragement of use. Ms. Kozub agreed with the motion as stated.
7:57:56 PM	Mike McKenna	Second.
7:58:23 PM		Vote: [Amendment] Unanimous.
7:58:42 PM	Mike McKenna	Asked for clarification regarding Marianne's suggestions. The staff determinations will also be included in the findings.
7:59:47 PM	Marianne Jackson Amsden	I move that we amend the motion to include changes to the Planning Board, to reflect the current members.
8:00:04 PM	Don Seifert	Second.
8:01:22 PM		Vote: [Amendment] Unanimous.
8:02:11 PM	Marianne Jackson Amsden	I would like to move that we adopt the City Commission Directed Changes to the Public Draft.
8:02:27 PM	Susan Kozub	Second.
8:02:46 PM		Vote: [Amendment] Unanimous.

8:03:16 PM	Marianne Jackson Amsden	I move that we amend the main motion to include in our resolution for the County Commissioners the letter I submitted to us today dated January 27th.
8:03:58 PM		Board discussion.
8:04:10 PM	Marianne Jackson Amsden	Withdraw motion.
8:04:23 PM		Board discussion regarding the text of Ms. Amsden's letter and the changes that the City of Bozeman adopted.
8:07:27 PM	Marianne Jackson Amsden	In this motion we would change bullet six of the City's to read our bullet three. [Motion to amend the motion that amended the draft.]
8:07:45 PM	C.B. Dormire	Second.
8:08:18 PM	President Kerry White	Clarification of motion: The motion on the table is to amend the amendment to the main motion of the City Commission Directed Changes to the Public Draft to change number six to the third bullet of the letter from the Gallatin County Planning Board.
8:08:50 PM		Vote: [Amendment of amendment] 8-1; Pat Davis opposed.
8:09:47 PM	Marianne Jackson Amsden	I make a motion to amend the main motion to include these last three points as laid out in this letter [letter from Planning Board to County Commission].
8:10:12 PM	C.B. Dormire	Second.
8:10:26 PM	President Kerry White	Board discussion. The third bullet is "consider adoption of." If we pass this motion, all we are saying is "consider adoption of" and this is what will go to the Commission for their consideration for adoption.
8:11:03 PM		Vote: [Amendment]: 8-0-1; Pat Davis abstained.
8:11:35 PM		Board discussion including whether the subcommittee report that was developed is included for Commission consideration [this is for the next agenda item]; whether or not the [equestrian] map should be included; and the inclusion of the TCC recommended additions to the plan.
8:16:39 PM	Don Seifert	I would move that we include the TCC recommended additions to the Transportation Plan.
8:16:52 PM	Susan Kozub	Second.
8:16:56 PM		Board discussion.
8:17:39 PM	Planner Chris Scott	The draft and recommended amendments were on the website for review.

8:18:13 PM		Vote: [Amendment] 8-0-1; Mike McKenna abstained.
8:18:37 PM		Board discussion.
8:19:50 PM	Marianne Jackson Amsden	Noted that her recollection was that the Planning Board had originally recommended that the map be adopted. She noted that it has no binding language, it shows existing usage patterns, doesn't request facilities and has been vetted in the equestrian community and somewhat in the general public with the time that was available to do so. Every other non-motorized transportation that is addressed in the plan has its own map. If the whole point is to recognize us as a non-motorized transportation and everyone else has a map, then I think we should have a map.
8:21:20 PM	Byron Anderson	Noted that the more that we choose to tear things down and re-establish it, the more we "muddy the waters." Suggested that amendments and adjustments be limited as much as possible.
8:22:11 PM		Vote [Main motion]: 8-1; Pat Davis opposed.
8:22:44 PM	Don Seifert	Findings: Entered into the record the staff report, the letter with the corrected spelling of Gail's name dated January 27th from Vice President Amsden, the City Commission Directed Changes to the Public Draft and make the finding that the Greater Bozeman Area Transportation Plan 2007 Update complies substantially with the goals and the policy of the Gallatin County Growth Policy; that the Greater Bozeman Area Transportation Plan 2007 Update substantially complies with Chapter 9.2 of the Gallatin County Growth Policy regarding amendments and revisions; that the Greater Bozeman Area Transportation Plan 2007 Update meets the procedural requirements of 76-1-602 through 76-1-604, MCA regarding adoption and revision of Growth Policies; and that we have taken public hearing and that public hearing has been adequately addressed by the board.
8:24:38 PM	Gail Richardson	Questioned the repetition of some of the public comment letters and whether there were other letters that were not received.
8:25:38 PM	Planner Chris Scott	All of the public comment received was distributed to the Board, though some of it may have been duplicated.
8:25:42 PM		Board discussion regarding procedure for voting and entering the findings into the record.
8:30:15 PM	Planning Director Greg Sullivan	It is important that it be clear, the action the Board is taking. After board discussion, before the vote on the main motion, someone should go through each of the determinations and findings and after everyone determines that they are in agreement with the findings and any additional ones, then the vote is triggered. Also stated that the substance of what was done tonight was probably

		fine, but should probably be modified to meet this process in the future.
8:31:59 PM	Byron Anderson	Agreed that the findings of fact should be read into the motion before taking a vote on the final motion.
8:33:04 PM	Pat Davis	Noted that she wanted to go on record that she is not against the Transportation Plan but not comfortable with the amended motion and that is why she voted against it.
8:33:23 PM	Mike McKenna	Clarified that the reason he'd like to follow the process laid out by Greg is that the motion is made and passed and then if any member disagrees with the findings that leads to confusion.
8:34:00 PM	Byron Anderson	Also feels that it would be appropriate to note in the findings of fact that this is a public hearing and no (public) one attended to provide public comment.
8:34:39 PM	Planning Director Greg Sullivan	Stated that if you would adopt that process, that you make findings right before the vote and someone puts findings on the record that you don't agree with, you should say, I don't agree with those findings and here are mine. This makes the findings even more legitimate.
8:36:07 PM		The Planning Board went into recess.
8:49:09 PM		Called back to order.
8:49:15 PM	President Kerry White	<u>d. Public Hearing and Recommendation to the County Commission Regarding Transportation Related Amendments to the County Subdivision Regulations.</u>
8:49:22 PM	Planner Chris Scott	Presentation of the transportation related amendments to the Gallatin County Subdivision Regulations. Provided history and highlighted the major changes.
8:59:07 PM		Board discussion with staff on the "trips per day" levels and how they were derived.
9:02:02 PM	Public Comment	Terry Threlkeld, Innovative Engineering. Suggestion, lots of changes, may need to work through those with staff first. Recruit a couple other engineers to fine tune to go through this.
9:04:17 PM		Board discussion.
9:04:25 PM	Byron Anderson	Questioned if we wanted to go to Board Discussion prior to hearing update from the subcommittee.
9:04:30 PM	President Kerry White	Noted that the subcommittee did submit a full report to the board.
9:04:50 PM	Mike McKenna	Commented that at the last meeting he felt the Board did well with the motion for the Gallatin Gateway Plan, but regrets that we didn't take an additional meeting or two for further discussion on

		that plan. Thousands of hours put into that plan, and we have to make a decision in a couple hours. There is a lot of details that maybe we missed and could have made it better. Feels the same way about this even. This is important and he doesn't want to be rushed.
9:07:03 PM	Pat Davis	Agreed with Mike's statements. Engineering community is willing to go over this, that might be a good thing to wait and listen to them.
9:07:21 PM	Planning Director Greg Sullivan	We specifically took comments about the Gateway plan. We have not scheduled this before the Commsision yet so that you can wait until all members can be present and make a decision at a future meeting. Appreciates what Terry Threlkeld said. We have been very active with the engineering community over the last year, letting them know that this process was going on through process lunches, individual meetings with engineers and surveyors. They know about it and we recognize they are an important stakeholder group. So the Board is aware: we have included them in discussions and let them know the drafts have been available online, but they haven't participated as much as we hoped. Willing to be patient and take time.
9:08:58 PM	Mike McKenna	Engineering commuunity is a paid body. The people that need to be here are the developers. There are a lot of developers who are no longer in business right now, and they just can't afford to think about this right now. Feels that is part of the reason for the silence.
9:09:33 PM	Byron Anderson	Important to hear the subcommittee report. C.B. did a wonderful job, compiled a report, called upon the rest of Board or subcommittee members to go over with him and revise it. Nothing against the rest of the process with staff, but this was a way to share with the Board that there were concerns that may not be implemented as we would have liked to see, but we couldn't continue to ask staff for a re-write. Would like C.B. to summarize, then table the discussion for another date. The engineers and developers had lots of opportunity to attend and participate in meetings. Chris [Scott] did a great job noticing the meetings to the public, but we can't continue everything that comes before us when we have already had a subcommittee (which the Board relies on to do a good job) review and invite the public. I hate to set that precedent.
9:12:23 PM	C.B. Dormire	Summarized the Transportation Subcommittee Report.
9:29:26 PM		Kerry thanked C.B. for that presentation and noted that Byron as well as Marianne also served on the subcommittee. Neither had anything to add to C.B.'s summary.

9:29:42 PM		Kerry added that as President he is part of each subcommittee and tries to attend most. He appreciates what this committee accomplished. This is a very detailed and complete report that reflects review of November draft. Unsure if engineers and/or developers have a copy, and would like to see comments from those folks on the report or draft, including Planning Board members. Once all public comment is received, possibly the transportation subcommittee could review those comments, then come back to the board to discuss and forward a recommendation to the Commission. If satisfactory to the board, we'll continue this item to a later hearing.
9:32:28 PM	Susan Kozub	As a consultant, it is difficult to find time to participate in all of these updates to all the City and County. She recommends if you want to involve engineers, to hold more of a work session, possibly during lunch, with a clear agenda. Thinks specific phone calls would be more helpful than just a notice in the paper. That may generate more participation on the consultant's side.
9:33:40 PM	Kerry White	Understands planning staff is also stretched to their work load, as well as committees. There is a lot of involvement in the Planning Board and we are volunteers. Comments regarding setting the meeting's schedules to work around the volunteer's time and energy.
9:35:04 PM	Planning Director Greg Sullivan	As Susan suggested, we have already done that via monthly process lunches. We have discussed the amendments, the policies and invited the consultant firms and the public. Terry [Threlkeld] and I have been discussing in the back of the room tonight that he will try very hard to get more engineer's and developer's participation. I foresee a lull in your agendas through February. If the Board can continue this until the second February meeting, that would be good. March is going to get really busy again for the Board.
9:36:36 PM	President Kerry White	Noted there is still option tonight for someone on the Board to make a motion to recommend approval by the County Commission. It is at the pleasure of the Board.
9:37:11 PM	Mike McKenna	I make a motion to continue.
9:37:16 PM	Pat Davis	Second.
9:37:21 PM		Board discussion. Mike McKenna said in his opinion that there are still key items missing, such as the proportional reimbursement and feels it is not ready to go to the County Commission. Christopher Scott stated that the proportional reimbursement is not taken out of the regulations but just

		separated from the regulations before you today so that they could move forward more quickly than the proportional reimbursement which will take more work and will come before the Board in the future. He also noted that the subcommittee report is on the website and available for public viewing.
9:40:10 PM		Vote: Unanimous.
9:41:58 PM		Staff agreed to put the engineering comments together for a presentation to the Board similar to the public comment presentation mechanism by the Transportation Plan consultants.
9:43:07 PM	Planning Director Greg Sullivan	Requested a date certain to continue this item to so that all of the requests of the Board can be met and the item can be placed on the Commission agenda accordingly.
9:44:08 PM		This item will be placed on the Planning Board agenda for February 24th for final action.
9:44:46 PM	President Kerry White	<u>e. Discussion and Decision on Advertising for Applications for Membership on a New County Resource Advisory Committee.</u>
9:45:31 PM	President Kerry White	Presentation. Noted that five or six other counties in the State are developing Resource Plans. The economics in their county revolved around. Requested the Board support a request to have the Planning Department advertise for this committee and once applications are received the Board would then select members to the committee and oversee their work.
9:51:55 PM		Board discussion including the addition of a "cultural" category position, the establishment of this committee and who it would report to, cooperating versus coordinating status, involvement of County Commission in this process and with this request, review of other County's Resource Plans, and further explanation of the request. A majority of Board members indicated support of the idea but wished to have further education and examples from other counties before moving forward. They also indicated a desire to have the County Commission's involvement in the formation of this new committee.
10:23:51 PM		President White agreed to gather more information from other counties on their plans and experiences with this process.
10:24:38 PM		Meeting adjourned.